

REMARKS

The Office Action of February 24, 2005, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph; and claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Ando et al.* (U.S. Patent No. 5,370,634).

At the outset, Applicants would like to point out that the present application as filed included six claims -- not four. In reviewing the above Office Action, it appears that the Examiner inadvertently considered the claims of the Verified Translation of the Provisional Application, rather than the specification and claims as filed on November 21, 2003. Accordingly, reconsideration of all pending claims is in order.

Applicants respectfully submit that the rejection under Section 112 as set forth in the above Office Action is moot if the pending claims 1-6 are considered. Accordingly, withdrawal thereof is kindly requested.

In addition, the Examiner has relied upon *Ando et al.* in the rejection of the pending claims in the application. As explained in Paragraphs [0006] - [0008] of the present specification, *Ando et al.* has the disadvantage of requiring the use of separate flaps in order to seal the pants diaper, which in turn make the diaper more difficult to manufacture and increase the costs thereof.

Claim 1 recites that the absorbent article has a pants chassis and that "the first and second opening and closing means are situated on respective sides of the first openable seal line and are arranged on a surface of the pants chassis." Emphasis added. Accordingly, in contrast to the projecting tape fasteners 6 of *Ando*

et al., both the first and second opening and closing means recited in claim 1 are arranged on the surface of the pants chassis -- not projecting from a terminal edge thereof. As such, Applicant submits that Ando et al. does not anticipate the invention recited in claim 1.

Further, as defined in amended claim 7 above, the absorbent article recited therein does not have any protrusions from the shape of the pants diaper whether in the first sealed configuration or the second resealable configuration.

Accordingly, Applicant submits that claims 1-7 are in condition for allowance.

CONCLUSION

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: Wendi Leigh Weinstein
Wendi Leigh Weinstein
Registration No. 34,456

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620